



**State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2900 FAX (603) 271-2456



January 14, 2002

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY  
No. WMD 02-01**

Kalwall Corporation  
1111 Candia Road  
P.O. Box 237  
Manchester, New Hampshire 03105

Attn: Mr. Paul H. Wenger, Operations Manager

**Re: Kalwall Corporation  
Manchester, New Hampshire  
EPA ID # NHD001086198**

Dear Mr. Wenger:

On October 9, 2001, the Department of Environmental Services (DES) conducted an inspection of the Kalwall Corporation (Kalwall). The purpose of the inspection was to determine Kalwall's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1000).

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1. Env-Wm 507.03(a)(1)b., c., and d. - Container marking

At the time of inspection, the thirty-nine (39), 5-gallon containers of hazardous waste observed in the Chemical Storage/Reclamation Area were not marked with the words "hazardous waste"; words that identify the contents of the container; and the EPA or state waste number (Refer to the enclosed Hazardous Waste Container Inventory).

Env-Wm 507.03(a)(1)b., c., and d. require that all containers used for the storage of hazardous waste be marked with the following information at the time they are first used to store wastes: the words "hazardous waste"; words that identify the contents of the container; and the EPA or state waste number.

DES requests that Kalwall properly mark all containers of hazardous waste at the time they are first used to store waste with: the words "hazardous waste"; words that identify the contents of the container; and the EPA or state waste number. Specifically, affix the markings at the time containers are transferred from satellite storage areas to the Chemical Storage/Reclamation Area.

2 Env-Wm 509.02(a)(2) – Personnel Training

A review of Kalwall's personnel training program revealed that the Primary and Secondary Emergency Coordinators, including Curt Lindh and Ray Binnette, had not received hazardous waste training appropriate for the duties assigned.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that all persons responsible for the management of hazardous waste receive hazardous waste training and annual updates.

DES requests that Kalwall conduct and document hazardous waste training and annual updates for all Emergency Coordinators including Curt Lindh and Ray Binnette.

3 Env-Wm 509.02(a)(4) – Container storage

At the time of the inspection, a minimum of 2 feet of aisle space was not present between hazardous waste containers and totes stored in the Hazardous Waste Storage Area.

Env-Wm 509.02(a)(4), which references 40 CFR 265, Subpart C, Preparedness and Prevention, and Env-Wm 509.02(e), requires generators to ensure that containers of hazardous waste are stored with a minimum of two (2) feet of aisle space to allow for inspection of at least one side of each container.

DES requests that Kalwall ensure that all containers of hazardous waste are stored with a minimum of two (2) feet of aisle space.

4 Env-Wm 509.02(a)(5) – Contingency plan

A review of Kalwall's Contingency Plan and related documents revealed that copies of the facility Contingency Plan had not been submitted to authorities that may be called upon to provide emergency support services.

Env-Wm 509.02(a)(5) which references 40 CFR 265 Subpart D, Contingency Plan and Emergency Procedures, requires full quantity generators to submit copies of the facility contingency plan to local police departments, fire departments, hospitals, and State and local emergency response teams.

DES requests that Kalwall submit copies of the facility Contingency Plan to the appropriate authorities that may be called upon to provide emergency support services. Submit copies of transmittal letters, submitted to each of the above-referenced entities, as compliance documentation.

5. Env-Wm 509.02(b)– Emergency Posting

At the time of the inspection, Kalwall did not have a *complete* emergency posting at the nearest telephone adjacent to the Hazardous Waste Storage Area.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

- (a) The emergency coordinators (home and office);
- (b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- (c) *The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.*

DES requests that Kalwall post the required information at the nearest telephone to the hazardous waste storage area. Specifically, add information that references the location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms. Enclosed is a sample emergency posting for your reference.

6. Env-Wm 509.03(g) – Satellite Storage Container Marking

During the inspection of the facility's Finishing Area and the KWS Area, two (2) satellite storage containers of hazardous waste were not marked with the words "hazardous waste" and words that identify the contents of the container.

Env-Wm 509.03(g) requires all satellite storage containers used for the storage of hazardous waste be marked with the following information at the time they are first used to store wastes: the words "hazardous waste" and words that identify the contents of the container.

DES requests that Kalwall properly mark all hazardous waste satellite storage containers at the time they are first used to store waste with: the words "hazardous waste" and words that identify the contents of the container.

7. Env-Wm 807.06(b)(7) - Standards for generators of used oil being recycled

A review of Kalwall's waste determination records revealed that a complete used oil determination, for the parameters listed in Env-Wm 807.02 and Env-Wm 807.03, had not been conducted.

Env-Wm 807.06(b)(7) requires generators to conduct an initial used oil determination on their used oil by analyzing it for all of the parameters specified in Env-Wm 807.02 and Env-Wm 807.03 (exclusive of PCBs if no source of PCBs is present).

DES requests that Kalwall conduct an initial used oil determination for the parameters outlined in Env-Wm 807.02 and Env-Wm 807.03. These parameters include arsenic, cadmium, chromium, lead, flash point, and total halogens. Kalwall should provide the results of the used oil determination to DES. Enclosed please find a summary of the used oil regulations and a list of analytical laboratories that perform the required testing.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Kalwall can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Kalwall, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator  
DES/WMD  
6 Hazen Drive  
Concord, New Hampshire 03301-6509

Also during this inspection, inspectors noted the following:

The facility was not managing universal waste fluorescent tubes according to the established DES policy. Also, be advised that effective October 13, 2001, the management of universal waste is subject to the rules outlined in Env-Wm 1100 et seq. Specifically, Env-Wm 1112.03(b) states that universal waste handlers shall not intentionally crush or dismantle universal waste lamp(s) unless a permit has been obtained in accordance with Env-Wm 353.

During the inspection DES was informed that "Aluminum Dip Tank Waste" generated from cleaning and etching aluminum parts in the Finishing/Pre-Treatment Area was neutralized prior to off-site disposal as a non-hazardous waste. Be advised that elementary neutralization of corrosive hazardous wastes is subject to the provisions of Env-Wm 353.04 "Limited Permits." Therefore, upon generation of additional amounts of Aluminum Dip Tank Waste, a waste determination should be conducted to ascertain whether the waste is D002 corrosive (i.e. pH less than or equal to 2.0 or greater than or equal to 12.5) prior to treatment. In the event the waste does exhibit the characteristic of corrosivity, Kalwall must obtain a Hazardous Waste Limited Permit to treat the waste on-site.

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

A current, full set of the State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,



Kenneth W. Marschner, Administrator  
Waste Management Programs  
Waste Management Division

CERTIFIED MAIL RRR# 7000 1670 0003 4859 3010

cc: DB/RCRA/LOD/Archives  
Philip J. O'Brien, Ph.D., Director, WMD  
Gretchen Rule, DES Administrator, Legal Unit

E-mail: JJD/SD/SD/PM

Enclosure: Inspection Checklist  
Emergency Posting Sample  
NHDES "Summary of Requirements for Management of Used Oil Being Recycled"  
NHDES "Laboratories that Perform Used Oil Analysis"